REMARKS

In response to the final Office Action dated October 27, 2008, reconsideration and allowance of the above-identified application are respectfully requested. Claims 1 and 3-20 remain pending.

Claims 1 and 3-20 are rejected under 35 U.S.C. § 103(a) as being obvious in view of the combination of U.S. Patent No. 5,957,985 to Wong et al. ("Wong") and U.S. Patent No. 6,330,670 to England et al. ("England"). This ground of rejection is respectfully traversed.

Applicant's claim 1 recites a method that involves signing software against falsification using a secret key according to a public-key method, checking the signed software for integrity using the public key complimentary to the secret key, and generating a software signature certificate using the public key of a software signature site and a secret key of a control entity of a trust center, according to the public-key method. The combination of Wong and England does not disclose of suggest the claimed method.

The Office Action recognizes that Wong does not even mention signing software or checking the integrity of signed software, and instead relies upon England for such a disclosure. For at least the reasons set forth below, it is respectfully submitted that England does not remedy the deficiencies of Wong with respect to Applicant's claim 1.

THE DISCLOSURE OF ENGLAND

England discloses a digital rights management operating system for protecting rights-managed data from access by untrusted programs.¹ A central processing unit (CPU) executes a stored operating system.² The operating system includes a boot block which is used to authenticate the operating system during boot operation.³ The boot block loads drivers and software components necessary for an operating system to function and forms an identity of the operating system.4

England discloses a number of different certificates, including a manufacturer certificate 166, CPU certificate 202, and rights manager certificate 210. Using such certificates a content provider can determine whether a trust relationship can be established with the CPU and a digital rights management operating system (DRMOS). England however does not disclose generating a software signature certificate using:

- the public key of the software signature site; and
- a secret key of a control entity of a trust center, according to a public-key method.

¹ Abstract.

² Column 8, lines 30-37.

⁴ Column 11, lines 43-47.

The final Office Action cites column 7, line 63 - column 8, line 4 of

England for the disclosure of the aforementioned elements of Applicant's claim 1.

As will be described below in detail, however, there is nothing in these sections

disclosing the aforementioned claim elements.

The first paragraph of this citation discloses that manufacturer certificate

166 testifies that the CPU was produced according to a known specification and,

"that the manufacturer created the key pair 164, placed the key pair onto the

CPU 140, and then destroyed its own knowledge of the private key K_{CPU}-1."

As can be seen from reviewing the cited portion of England, this portion

discusses a CPU signature using public and private keys of the CPU.

Accordingly, there is nothing in this section disclosing or suggesting generating a

software signature certificate using the public key of the software signature site or

the secret key of the control entity of the trust center.

The second paragraph of the citation in the Office Action discloses that,

"manufacturer certificate 166 contains the manufacturer's public key K_{MFR} , the

CPU's public key K_{CPU}, and the above testimony. The manufacture signs the

certificate using its private signing key, K_{MFR}-1."

The Response to Arguments section of the Office Action states that, in

England, the manufacturer is a software developer and that the CPU is a control

entity. Even if it were assumed that this is an accurate characterization of

Page 4 of 8

Serial No. 10/786,224

Amendment Dated: January 23, 2009

Reply to Office Action: October 27, 2008

Attorney Docket No. 080437.53236US

England, which it is not, England does not disclose or suggest that the

manufacturer is, "a software signature site" or that the CPU is, "a control entity

of a trust center."

Furthermore, Applicant's claim 1 recites that the certificate is generated

using, "a secret key of a trust center." Again, even if it were assumed that CPU

is, "a control entity of a trust center," England discloses that certificate 166

includes the <u>public key</u> of the CPU, K_{CPU}, and <u>not</u> the private key K_{CPU}-1.

Accordingly, England does not disclose or suggest generating a software

signature certificate using the public key of the software signature site or the

secret key of the control entity of the trust center, nor generating of a software

signature certificate using the keys.

Because the rejection of Applicant's claim 1 relies upon England for the

disclosure of generating the software signature certificate, it is respectfully

submitted that the combination of Wong and England does not render

Applicant's claim 1 obvious.

Applicant notes that the Response to Arguments section inaccurately

characterizes England. Specifically, this section of the Office Action states that:

The England prior art discloses a mechanism to protect content such as software. The software includes software developed

for the operation of a control unit used in a vehicle.

⁵ Emphasis added.

Page 5 of 8

England, however, makes no mention that the operating system or the

CPU is used in a vehicle. Accordingly, this alleged disclosure by England should

not be considered in determining whether Applicant's claims are obvious.

Dependent claims 3-6 and 8-18 are patentably distinguishable over the

combination of Wong and England at least by virtue of their dependency from

claim 1.

Independent claim 7 recites a method involving software signature

certificate, and is patentably distinguishable over the combination of Wong and

England for similar reasons to those discussed above with regard to claim 1.

Regarding Applicant's independent claim 19, the Office Action cites

disclosure in column 12, lines 27-30 of England for checking if the software

signature certificate has been changed or manipulated. A disclosure of

revocation of a particular version of a plug and play component, based solely on

the version, does not, however, disclose or suggest checking a software signature

certificate as recited in claim 19. Claim 20 is patentably distinguishable over the

combination of Wong and England at least by virtue of its dependency from claim

19.

Claim 20 is rejected under 35 U.S.C. § 112, second paragraph for

indefiniteness. The Office Action alleges that there is no disclosure of a third

public key and a third signature. Applicant's respectfully submit that this is not

Page 6 of 8

a proper rejection under U.S.C. § 112, second paragraph. If a description or the

enabling disclosure of a specification is not commensurate in scope with the

subject matter encompassed by a claim, that fact alone does not render the claim

imprecise or indefinite or otherwise not in compliance with 35 U.S.C. § 112,

second paragraph.⁶ Applicant's respectfully submit that Fig. 1 of Applicant's

disclosure discloses a trust center signature certificate 116 comprising a key 101

and signature 117 (e.g., first key and first signature), clearing code site software

signature certificate 118 comprising a key 106 and signature 119 (e.g., second

key and second signature), and software signature certificate 120 comprising a

key 108 and signature 121 (e.g., third key and third signature). Accordingly,

withdrawal of this rejection is respectfully requested.

Finally, Applicant notes that the Response to Arguments section

inaccurately characterizes Applicant's previous arguments and Applicant's

claims. For example, this section states, "Applicant argues that the referenced

prior art does not disclose, specification objection." Applicant's Reply contained

no references to the prior art with respect to this rejection and objection.

Similarly, this section quotes Applicant's previous Reply as stating, "England is

not an analogous reference." This exact language does not appear in Applicant's

previous Reply, and therefore should not be enclosed in quotes.

Regarding Applicant's claims, this section discusses what the "claimed

invention appears to be." Applicant's claimed invention is defined by the actual

⁶ MPEP 2174.

Page 7 of 8

Serial No. 10/786,224

Amendment Dated: January 23, 2009

Reply to Office Action: October 27, 2008

Attorney Docket No. 080437.53236US

language of the claim and not this inaccurate characterization that attempts to

improperly distill the claims into what the Examiner considers as the "gist" of

the invention.

If there are any questions regarding this response or the application in

general, a telephone call to the undersigned would be appreciated since this

should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as

a petition for an Extension of Time sufficient to effect a timely response, and

please charge any deficiency in fees or credit any overpayments to Deposit

Account No. 05-1323 (Docket # 080437.53236US).

Respectfully submitted,

January 23, 2009

Stechen W. Palan

Registration No. 43,420

John P. Teresinski

Registration No. 56,621

CROWELL & MORING, LLP

Intellectual Property Group

P.O. Box 14300

Washington, DC 20044-4300

Telephone No.: (202) 624-2500

Facsimile No.: (202) 628-8844

SWP:JPT/cee

6694997

Page 8 of 8